

**CITY OF TAKOMA PARK, MARYLAND**  
**(Adopted 4/11/05)**

**PRESENTATION, REGULAR MEETING & WORKSESSION**  
**OF THE CITY COUNCIL**

**Monday, October 11, 2004**

**OFFICIALS PRESENT:**

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk / Treasurer Waters
Councilmember Barry	Deputy Manager Hobbs
Councilmember Mizeur	Public Works Deputy Director Braithwaite
Councilmember Seamens	Recreation Direction Haiduven
Councilmember Williams	Construction Manager George
	ECD Director Daines

**OFFICIAL ABSENT:**

Councilmember Elrich

The City Council convened at 7:43 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland 20912.

**COUNCIL COMMENTS**

Ms. Porter said she participated in a banquet commemorating the 100<sup>th</sup> anniversary of the Takoma Park Seventh Day Adventist Church Day. She was excited to have been included. She found it very interesting.

Mr. Williams reported that he testified before the Montgomery County Council regarding the creation of the homeland security department at the County level. He made a number of points about how the City relies on the County for services and how their bill did not acknowledge those things. They realized those points. Also, he pointed out tax differential issues.

Ms. Austin-Lane announced that this Thursday there is a meeting regarding the Metropolitan Branch Trail. City staff would like to hear from the community about how residents would like available dollars used.

Ms. Porter recalled when the County fire station staff came for a presentation; another meeting has been set for October 21 (7:30 p.m.) in the Council Chambers to discuss design and construction elements. She noted, relative to Mr. Williams' remarks, the comments made before the County Council. Her and Mr. Elrich's comments resulted in the sending of the proposal for hospital expansions back before the M-NCPPC staff. She will keep the Council and staff apprised of the discussions.

**FOR THE RECORD** - Proclamation Recognizing the Centennial Celebration of the Seventh Day Adventist Church.

Ms. Porter noted it for the record.

### **ADDITIONAL AGENDA ITEMS**

None.

### **ADOPTION OF MINUTES**

None.

### **PUBLIC COMMENT PERIOD**

Nellie Moxley, PineCrest wished the Council to recognize that there will be a haunted house at the Elektrik Maid. She will be distributing flyers about the event.

Ms. Moxley commented about the trees on Highland Avenue and the limbs that extend over the electrical wires. New zoning went into effect. She thinks that the City should support this as a way to enable residents to make more money.

Buddy Daniels, Sherman Avenue said she wanted to thank those who participated in the picnic at the VFW on September 15. It was wonderful to meet the voices on the other end of the phone. Thank you for your participation.

Ms. Porter added her thanks.

Ms. Austin-Lane said she would have been there if it had been possible. She had a baby that day.

### **PRESENTATION**

#### **1. Update on the Community Center Construction Project.**

Ms. Matthews said she would recommend that this report be done in concert with the later presentation regarding the community center.

### **REGULAR MEETING**

#### **2. 2<sup>nd</sup> Reading Ordinance re: Speed Humps on Hickory Avenue.**

Moved by Mr. Williams; seconded by Mr. Seamens.

Mr. Williams said he has heard no additional comments since first reading.

Nellie Moxley said she does not live in this area, but she does get in a number of buses each day, and hear from drivers that the speed humps are difficult to maneuver.

Ms. Mizeur said the complaints that she has heard have been about the height of humps. She knows that there is an attempt to make standards, but we should work to make humps more standard that would result in savings.

Larry Fishel, Hickory Avenue stated that the major problem is the traffic to John Nevins Andrews School. She thinks there are other solutions rather than the speed humps. They could have police enforcement. Humps are a hazard for emergency and enforcement vehicles. They are a danger as much as they are a help. They give children a false sense of security that they do not need to get out of the street. He wants children to be safe, but he does not want them to play where it is not safe. It is unreasonable that the City pays for the humps that people have to pay the consequences for (e.g., car damage, etc.). She noted a petition from six residents who are opposed to the speed hump(s).

Tim Dowd, 28 Hickory Avenue remarked about the mechanics of Hickory Avenue. It is a two block street with a dog-leg where Montgomery hits the street. She described the traffic that travels the street. It is difficult for people who are crossing the street to be aware that there are cars traversing the street, because of the dog-leg intersection. It makes it difficult. About two years ago he started to explore how to address the traffic concerns in the area. It began with a petition. There was a consensus to install speed humps pursuant to the City process. He remarked about the process and the petition parameters. He has been to the neighborhood association discussion twice. He recognized the concerns. He noted Ms. Mizeur's remarks about the heights of the humps. However, given the concerns, he thinks that the Council should approve the request for the speed humps. There should be speed humps on Hickory Avenue, and he hopes that the Council approves the proposal.

Daryl Braithwaite, Hickory Avenue said she is here as a constituent. She encouraged the Council to follow the process and she is aware of the concerns. She can stand in the front yard and say "hello" to most friends who use the street as a cut-through. She acknowledged the remarks about kids playing in the streets. If the street was not so hazardous, it would be enjoyed more by the residents. It is a dangerous situation in a crowded street.

Andy Kelemen (PSCAC) said one of the recommendations of the Safe Roadways Committee was not to use speed humps but to install one-way traffic with specific hours. He suggested this as an alternative to deal with traffic.

Ms. Chipperell, Hickory Avenue said she has grown up on the street. She is concerned about the maintenance of the humps (e.g., painting and structure, etc.). Speed humps are not needed on Hickory. Maybe there is a need for radar and visibility changes. She does not see the need and does not want them.

Colleen Blake, Elm Avenue said she is a city planner by trade. Speed humps are a bad idea. Almost any time and anywhere. She just bought a house in the City and she is looking for a route to avoid the humps. When we first moved here, we experienced a lot of damage to a vehicle due to pot holes. The City should spend money on repairing the road damage. Every speed hump pushes traffic onto other streets. The City should address the immediate concerns. She described the traffic calming devices that she has experienced in other jurisdictions. She noted concern for people with disabilities.

Elizabeth Pavlovski, Hickory Avenue said she agrees with Larry and Gene's comments this evening. She does not agree that the street should be made into a playground. She thinks that the placement of speed humps on the street would be difficult. She noted the parking patterns on the street and the obstacles created. With respect to other solutions, there should be an evaluation of nearby stop-signs. She asked whether anyone has thought to speak to the principal of the school (John Nevins Andrews School) about the effect of speed humps.

Julia Coronada, Hickory Avenue said she is a supporter of the request for speed humps. She is sympathetic to the concerns. The cut-through traffic is so incredible. She agrees that the humps present a number of problems. It is still the only street in the area that does not have speed humps. The proposal to make the street one-way during a certain period of the day does not accommodate the parents who want to have access to their children at school. We want the motorists to slow down. We have met with the school officials. It is going to cost something to someone, no matter what, to resolve the situation. She agrees that speed humps are not the best alternative, but the City has yet to propose a global solution and residents continue to suffer the danger.

Michael D, Hickory Avenue said he supports the speed hump request. He has gone through the process. People look for the easiest route. We do not have speed humps on our street. The humps will serve to slow traffic.

Dan Robinson said that speed humps were developed in the Netherlands. He remarked about efforts to get them on Walnut Avenue. He suggested that there are other methods to slow traffic on streets (e.g., parking on each side of street). That said, we have speed humps on Grant that have been very effective.

Mr. Williams said there is a cost of having radar enforcement versus speed humps. Speed humps are known as "sleeping police men". He will support the request given that the residents have followed the process. We have had staff intimately involved in the process of these types of requests. It might be time to think about how to reallocate staff resources and better be able to look at traffic concerns in a more broad scope. We are hearing concerns tonight about things that have come up through neighborhood discussions. He thinks that a number of the neighborhood concerns were dealt with by City consultants in the past. Solutions were discussed and in the end, speed humps were part of the outcome. He ended up with a speed hump in front of his own home and has learned to live with it. It has been effective in slowing traffic. He thinks that the profile height is important. It should be kept low and effective. He would be

happy to talk with the school about suggestions regarding traffic and would be happy to arrange a meeting. With respect to kids to playing in the street, he noted the former Council vote to allow for basketball playing in the street (thinks he was the only one to vote against the measure), and will again not support playing in the street, but will support the speed hump request.

Ms. Austin-Lane noted the absence of a vote regarding funding for tree replacement on Maple Avenue, and the funding that would be required for the installation of the speed humps. There are serious problems on Carroll Avenue that cause motorists to look for alternate routes. She would continue to encourage the Council to prioritize solutions to traffic problems in the community and to find the best solutions. She does not want to see residents on a street pitted against each other. On this issue, she has a couple of concerns. She is not sure where it will come out in the end. She noted from the cover sheet the percentage of signatures. She thinks that they usually get a higher percentage of signatures in support. She remembers that there was a question about the cost for the speed hump.

Ms. Matthews said the cost on the blue sheet is correct.

Ms. Austin-Lane suggested that there be only two speed humps be installed at first, before the third is added (in deference to those in opposition). She commented on the concern about emergency vehicles and the inspection of the speed humps and their construction.

Mr. Seamens expressed thanks to all who have spoken to the issue. One of the first Council meetings he attended had to do with speed humps on Ritchie Avenue. He spoke in opposition. He was on the losing side. The speed humps were installed. The traffic has been slowed. Tonight and other nights, he has heard many ideas about ways to slow traffic, not the least, to have better enforcement of traffic laws. He wants to caution residents that the Council has asked the City police to better enforce traffic laws. He noted that someone from 33 Hickory testified against the speed hump, yet someone from the same residence spoke in favor of the speed hump.

Ms. Waters spoke on the process requirements.

Mr. Seamens said, having heard that the Clerk has certified the petition, he would recommend that the Council should pass the measure, but would suggest that the City look at the other traffic calming measures that could be considered. He will vote in favor of the ordinance.

Ms. Mizeur said she would like to agree with constituents and councilmembers that speed humps do not replace police enforcement. She remarked about the concern regarding cut-through streets. She appreciates the remarks about the ADA concerns and the comments about sidewalks. She noted the requirement for 2/3 signatures of households and this process having met the process. We have to be respectful of the process. With that, she will be supportive of this request. She would like for Public Works to be more vigilant of the profile of the speed humps.

Mr. Barry said he would like to see the Chief of Police come before the Council with comments about how officers are working to effect traffic enforcement. It would be useful to know how officers are being employed. He has speed humps on his streets (Wildwood Street) that do not deter the “bottom scrapers”; the humps and enforcement together would be most helpful.

Ms. Porter thanked the neighbors who came forward with comments tonight. She has lived here for 20 years. She has seen traffic increase over the years. She has heard concerns about traffic and speed humps over the years. Traffic enforcement is essential. We once allocated money in the budget for neighborhood traffic studies. Maybe it is something that we can pursue again. She commented on the history of neighborhood studies and the citizen participation. When it all comes down to it (same as Mr. Williams’ remark), the Council will turn to the neighborhood for the solution and will generally, come to a solution of speed humps, along with a couple of other devices. There is no magic solution to this. She wishes there were a solution that would solve traffic problems. Speed humps have proven to be an effective way of slowing traffic. This is one improvement we should make—at one point we had an assurance that there would be consistency to the profile of the hump design. We want to keep the design consistent. There is still a need for consistency. We do have a process. The residents have followed the process. There are 2/3 who have expressed a desire for speed humps so she will vote for the effort.

Ms. Austin-Lane said, she did not know how much above the 2/3 the petition has exceeded. She agrees that they should follow the process; however, she would support the comments about a consistent profile and a broader discussion of traffic calming.

Ms. Braithwaite said regarding the speed hump profile, the profile is 4 inches. The Council may want to change the profile, all together. She suggested that there are other alternatives, but that in getting a community together on a solution, speed humps are familiar.

Ms. Porter remarked about the hump on Elm.

Ms. Mizeur said the ones on Lincoln are much more evenly leveled. She would request that the Council discuss the “profile” parameters.

Mr. Williams said that lately, the Council has not been approving a particular location/number of speed humps. It has generally been stated in the ordinance that these factors would be decided in consultation with the City Engineer.

Ms. Porter confirmed that it is what the ordinance states.

Ms. Austin-Lane suggested to the City Manager that she go back to staff and discuss the profile of speed humps and their placement. She noted the remarks of Dan about the City having the worst speed humps.

Ms. Matthews said she will talk to the Public Works Director.

Ordinance #2004-28 was adopted unanimously (VOTING FOR: Ms. Porter, Ms. Austin-Lane, Mr. Barry, Ms. Mizeur, Mr. Seamens, Mr. Williams; ABSENT: Mr. Elrich).

**ORDINANCE #2004-28  
(ATTACHED)**

**3. Resolution re: Citizens Committee on Tax Duplication.**

Ms. Matthews said, as was discussed at a recent Worksession, there is increasing concern amongst residents about the tax rate. We have recommended the formation of a citizens committee to assist staff in exploration of this issue. It would also be helpful to get a residents' perspective on service levels.

Ms. Porter said it may be an issue of semantics, but she has been aware that "citizen" committee is viewed as "US citizens". She suggested that it might be better to call it an "advisory" committee.

Ms. Austin-Lane said she appreciates the change.

Ms. Porter also offered "residents" committee.

Mr. Seamens / Ms Austin-Lane / Mr. Barry collectively said, yes.

Ms. Porter proposed the change in the title and the "Resolved" clause. She suggested that the Council insert names.

Mr. Seamens said the cover sheet has mis-represented concerns he raised a couple of weeks ago. He fully supports Ms. Porter appointing some members. The point had to do with the selection of a Chairperson. It should be selected by the Committee.

Ms. Austin-Lane said, in the resolution, it seems vague enough that it could be selected by the committee.

Ms. Porter said it was suggested by the City Manager that the Mayor appoint the Chairperson. She does not mind if the chairperson is otherwise appointed. If the committee appoints its own Chairperson, she would ask that the City Manager call the first meeting.

Mr. Seamens said he would be fine with that suggestion. He saw success on the City Manager Selection Committee. He spoke in favor of a larger membership. Having more members would be a benefit to the committee.

Ms. Porter said she does not agree that all of the members of the City Manager Selection Committee would agree with the perception that a greater number is more productive. She would think that this committee would hold open meetings, to develop a sense at large of where

the community stands on issues. She suggests that the Council start with the resolution (including editorial comment) with names attached. She commented on the procedure.

Moved by Mr. Seamens; seconded by Ms. Austin-Lane (with an understanding that Council will name members in the course of discussion).

Mr. Seamens said he wants to strike language regarding “up to three members”, leaving the selection to the Councilmembers.

Ms. Mizeur said she opposes the amendment as she came to this meeting prepared to name three members. Given the specific work of this committee, having a large membership will be unwieldy. We have to make some decisions.

Mr. Williams said he agrees with Ms. Mizeur.

Ms. Austin-Lane noted that with the City Manager Search Committee, they accomplished the goal of allowing most people to feel vested in the process of selection. She sees a similar process here. We have a lot of interested people in exploring this issue. The end result was very good. They enlisted the help of residents and found that they had access in the decision.

Ms. Porter said, again, there is a difference between this and the City Manager Search Committee, only the members had position in recommendations to the Council. She assumes with this topic, the entire community will have an opportunity to comment to the Council. Also, she thinks that the early meetings of the committee will be in the format of community forums. She agrees that making the committee too large will kind of handicap it and make it difficult for it to move forward. She would support making it three members of each ward with recommendations by the Mayor.

Mr. Williams said that would make it a committee of 21. He noted the recent recommendation of the AHC to keep membership at a limit (i.e., don’t just keep making committees bigger).

Ms. Austin-Lane disagreed. That was a committee made a year ago. Its work is underway and ongoing.

Nellie Moxley said three representatives per ward is not enough. This is one of the biggest issues that has faced this City. She said that decision should be based on the number of neighborhood associations in each Ward.

Dan Robinson sees this as partly, an outreach, and partly a research project. He would encourage anyone who has interest to be involved, even if not appointed.

Ms. Porter said she did not know that anything suggested would preclude that suggestion. She hopes we can do this in a way that includes public participation.



Colleen Blake, (who spoke earlier on the speed hump matter), said 21 people is a pretty large committee. The issue of tax duplication is something that is being explored nationally. A committee of 21 that is good at its work, that has to do its research and bring forth good recommendations, and people who are good at drawing out the positions of the community, would be most successful. A slightly smaller group will be better at filtering the information.

Buddy Daniels, 19 Sherman said he agrees with Dan's remarks. A 21 person committee will be more manageable. As the process moves forward, it can draw in other resources and effective consultants. It will be a good research project.

Mr. Williams said he agrees with the comments about the effectiveness of a smaller group in coming to common understandings and recommendations. We do not want to dilute the process. He would rather be in a position of having a core group with others having the opportunity to contribute to the process.

Ms. Austin-Lane said that she has 12 people (11 still interested) who would like to participate. There are four who participated in the City Manager Selection Process. She is not afraid to make a decision. There are many who would like to participate.

Ms. Porter clarified that there is an amendment on the table to "unlimit" the number of appointments per Ward (AYE: Ms. Austin-Lane, Mr. Seamens; NAY: Ms. Porter, Mr. Barry, Ms. Mizeur, Mr. Williams; ABSENT: Elrich).

Ms. Austin-Lane suggested an amendment to the title, suggested to read "Committee on City Services". She did not want to put a fine point on the mission.

Mr. Barry said he supports it.

Ms. Mizeur said she did not want the committee to get in the direction of getting feedback from citizens about things like trash pick-up.

Ms. Porter said she did not have a problem with the committee title being related to tax duplication since it has three main points.

Ms. Mizeur suggested "City / County Services".

Mr. Seamens said she supports the renaming. It is more than just a name. It also speaks to its true intent.

Ms. Porter noted the consensus.

Ms. Austin-Lane said we are talking about service duplication, not tax duplication.

Ms. Porter said that "tax duplication" is sort of a term of art. Services go along with that.

Mr. Seamens agreed, as long as that is clear.

Ms. Mizeur suggested an amendment, she would like sessions video taped. She asked about the limit on the expenditures allowed on the part of the committee. She thinks that this is one of the most important committees that the Council has had in a long time. It will be more interesting than Council meetings. She hopes that Lonni could talk about absorbing some of the cost in her current budget. We will be receiving important briefings from the County and State staff about the issue. She wants to put forward an amendment to pay for the function to broadcast the meetings.

Ms. Porter proposed giving direction to the City Manager that leave it up to the committee to identify the number of sessions that should be video taped, and then ask for a City Manager recommendation about the associated costs.

Ms. Mizeur and Mr. Williams agreed.

Ms. Matthews asked how to address the question about the selection of “Chairperson.”

Mr. Seamens said the committee should make the selection.

Ms. Austin-Lane agreed, with the City Manager scheduling the first meeting.

Mr. Williams said he agrees with the sentiment, and commented that “most” committees should appoint their own Chairperson.

Ms. Porter noted the consensus to strike this provision.

Dan Robinson said he does not know what the term of “tax duplication” means, but wants citizens to understand that their interests are being addressed. With respect to the City Manager Selection Committee, there was a discussion about budget. The Council should accommodate the needs of this committee.

Ms. Porter said, in terms of the budget, she suggests that since the City Manager is an ex officio member, the committee should ask that she bring up the issue to the Council. Most committees do not have a budget.

Andy Keleman said, instead of a video taping, they should have a video record. There will be a lot of City history that will need to be recovered. That information will reside with City staff. That needs to be recognized in the projection of work required.

Ms. Porter said she does not think that they are excluding the participation of City staff by passing this resolution. The manager will have authority to make the decision about City staff participation. For the record, she is endorsing the suggestions made by the manager, including the topics put forth for early community discussions.

Ms. Mizuer said this is being formed as a framework. It can change as the community discussion evolves.

Female (audience) asked about the timeframe.

Ms. Porter said the committee is expected to come back with a report in six months. She expected that the committee would have a working resolution on the table. She noted that Mr. Elrich (in his absence) identified three recommendations – Keith Burner, Karen Mendez, and Bruce Baker.

Ms. Mizuer recommended Colleen Clay, Dan Beckley, Larry Mishel.

Mr. Barry said he needed to reconfirm participants from his Ward.

Ms. Porter wished to have consensus and will allow later appointments.

Mr. Seamens recommended Richard Paine, John Conger and Joyce Seamens.

Mr. Williams said he had persons express interest. He recommended Bruce Moyer, Howard Kohn, Dan Robinson (encouraged others to participate).

Ms. Austin-Lane recommended Jessica Landman, Hank Cox and Seth Grimes.

Ms. Porter recommended Nancy Cohen (Co-Chair, City Manager Selection Committee), Andy Keleman (PSCAC) and Mary Stover (Representative, Main Street Project).

Ms. Austin-Lane expressed thanks for the Mayor's completion of the list.

Mr. Seamens thanked all councilmembers. We have a great list of members. He suggested that all who are interested attend the meetings.

Ms. Porter agreed. She thinks that the committee will take charge to reach to residents for a variety of views.

Ms. Mizuer said she appreciated Dan's comments regarding "duplication" (tax/service) and thinks it appropriate to keep it in the title.

Mr. Seamens / Mr. Williams / Mr. Barry collectively agreed.

Ms. Porter offered "City / County Service and Tax Duplication" as the title of the committee.

Ms. Austin-Lane said it makes it burdensome. The body of the resolution should carry this intent. The title of the committee should remain "City / County Services".

Ms. Porter suggested “Takoma Park Residents Committee on Tax and Service Duplication Issues.”

Ms. Mizeur / Mr. Barry / Mr. Williams collectively offered no strong objection.

Ms. Mizeur said Ms. Austin-Lane’s suggestion about adding wording in the text of the resolution is appropriate.

Resolution #2004-50 was adopted unanimously, as amended (VOTING FOR: Ms. Porter, Ms. Austin-Lane, Mr. Barry, Ms. Mizeur, Mr. Seamens, Mr. Williams; ABSENT: Mr. Elrich).

**RESOLUTION #2004-50  
(ATTACHED)**

Ms. Mizeur asked about the first meeting.

Ms. Porter said the City Manager will call the first meeting.

Mr. Seamens confirmed that it will be announced as a public meeting.

Ms. Porter said it is the intent of the Council that all meetings of the committee be announced publically. Some will be broadcast.

Mr. Williams said he will give Ms. Matthews the names of those who volunteered who were not appointed.

Ms. Matthews said she will post to the web site and will publish a press release regarding the committee.

**4. 2<sup>nd</sup> Reading Ordinance re: Charron Construction Management Contract.**

Moved by Mr. Williams; seconded by Mr. Seamens.

Mr. Seamens said he remains concerned that item number #3 was not done well during the previous contract phase.

Ms. Porter said she noted this.

Ordinance #2004-29 was adopted unanimously (VOTING FOR: Ms. Porter, Mr. Barry, Mr. Seamens, Mr. Williams; ABSENT: Ms. Austin-Lane, Mr. Elrich, Ms. Mizeur).

**ORDINANCE #2004-29  
(ATTACHED)**

## **5. Resolution re: Community Legacy Grant.**

Ms. Daines summarized the resolution and the intent of securing the funds. We are requesting \$102,500, with \$25,000 included in FY05 Budget as the match.

Ms. Porter asked are there any comments.

There were none.

Ms. Porter said she thinks it is a good thing to support. We have interest among tenants for them to purchase buildings and this makes it more likely that it will happen.

Resolution #2004-51 was adopted unanimously (VOTING FOR: Ms. Porter, Mr. Barry, Mr. Seamens, Mr. Williams; ABSENT: Ms. Austin-Lane, Mr. Elrich, Ms. Mizeur).

### **RESOLUTION #2004-51 (ATTACHED)**

*(NOTE "For the Record" - Councilmember Mizeur acknowledged that she had to step out of the Chambers during the discussions of items #4 and #5. Had she been present, she would have voted in support of both items.)*

**BREAK** - The Council recessed for a scheduled break and later reconvened.

## **WORKSESSION**

## **6. Community Level Plaza of the Community Center and Related Issues.**

Ms. Matthews referred to the financial report distributed this evening. She summarized the figures from front page "Summary". She is trying to give Council an idea of the possible exposure. These numbers may represent the worse case scenario with respect to delay/materials claims. As you move forward on deliberations about the community plaza level, the Council needs to understand the potential claims (although staff does not believe that all will be settled at the amounts identified).

Mr. Williams said it is not accurate to call "Administration and Law Enforcement Areas" because it would seem to suggest the conversion of current offices.

Ms. Porter said the community level is for everything except what is in the current building.

Ms. Matthews agreed.

Mr. Seamens said it would also be helpful to see the other things that are not included (e.g., HVAC for upper level)—things that have been characterized as part of the community center

project that are not part of the Knott Construction Project.

Ms. Matthews remarked that she would be happy to identify other items of interest in future reports.

Mr. Seamens said he will send a list.

Ms. Matthews referred to the last page. These are items brought to her attention today (by the contractor). With the exception of the skylight installation (some interest expressed by the Council), the majority of the items have been a topic of discussion with the contractor.

Ms. Porter said if Council has additional questions we could forward them to Ms. Matthews for future discussion.

Ms. Matthews said with respect to the bids for this level, she recalled a discussion about the Molina bid. They identified the three options related to acceptance/extension/rejection of bids. She would like to go through a discussion of where we are with each option. She would like direction on how to proceed. Item #1 - (accept bid)—there are costs associated with relocating City staff. Also, we are not now in the position of moving police dispatch (911 equipment). Molina has indicated that there would be an increase in the bid if we were to go this route.

Mr. Hobbs clarified, in terms of relocation, (1) we would have to rent three additional trailers and locate them on the grounds, or (2) lease office space in the Takoma Business Center (4 months and 7 associated costs). He noted the costs for the options. One of the down-sides of trailer space is that it would occupy parking spaces in the area. They would not have running water or facilities. They would be rather cramped spaces. It would require a good bit of storage. In commercial space we would have sufficient space. He has narrowed down most of the costs with the exception of the relocation/mover costs.

Ms. Porter asked what happened with the option of using this room.

Mr. Hobbs said the cost is more expensive (over \$70,000 – not including the restoration of the room).

Mr. Williams remarked that it appears that when you try to level a floor like in this room, there become Code issues that require meeting Fire Standards for a second floor. It got out of hand as an option.

Ms. Matthews said we to have Molina extend their bid through December--about \$80,000. Beyond December, the cost only rises. Staff would not recommend extending the bid. The third option was to rebid the project. The great unknown is the market at the re-bid time and to end up with a bid that is greater than the one at hand. She noted Mr. Williams' projection of costs rising up to 25% in near months. She commented that in Ms. George's conversations with Molina, he indicated that if they were to re-bid, he had left something out that would put the bid into re-

consideration. She is not certain if that would be the case.

Mr. Seamens opened the discussion with an explanation of phasing. He is unsure about timing on this. Mr. Hobbs presented a four month relocation. When does phasing become a problem?

Ms. George said it involved the Police Department and Recreation Departments. The original plan was for the Police Department is to move to the lower level, but that is not completed. So, Molina has agreed to do other work before moving to the police area.

Mr. Seamens commented that the cost we are hearing tonight might be different if Knott does not complete work within a certain timeframe.

Ms. George said this is a possibility, but she is encouraging Knott to move forward and keep things on track. She remarked about the current status of work.

Mr. Seamens asked if we go with option #1 or #2, both would require the phasing approach.

Ms. George replied in the affirmative. She explained some of the specifics.

Ms. Matthews said that when talking to Molina, they provided the costs of extending the bid through the months.

Ms. George provided their response--December (\$80,000), January (\$114,000), February (\$148,000), and March (\$182,000). Other "extension" costs might be associated.

Mr. Seamens asked why we did not include a more realistic start date for the work when the bid was put out for solicitation.

Ms. George responded. The Council wanted to get a better idea of what this level would cost. The phasing will likely cost an additional \$110,000.

Mr. Seamens said it would have been helpful to get the cost as to what it would have cost in a timeframe that was feasible.

Ms. George commented that one goal was to get a solid number about the cost to implement this work. The Molina bid is held until November 6<sup>th</sup>.

Mr. Williams said we are in a timeframe where any contractor is particularly loath to hold a price for very long given the volatility of the Council.

Ms. Porter said we cannot always re-bid. Hearing everyone say that if we delay and rebid, everything we observe about construction costs is that the bids we get at a later date will be considerably higher. That would have been the case had we bid it later.

Mr. Barry asked where will we be in four months time and will there be a savings of re-bidding and moving the staff into the finished space.

Ms. George said Knott is proposing not to have the project finished until February/March. We cannot move staff into the new space until the areas have passed County inspections.

Mr. Barry asked how long it will be for that process.

Ms. George said she can get that information. We do not know exactly how long that will take. We have been given the impression that it will not take a long time. We just want to ensure that it is appropriately completed.

Mr. Barry questioned whether we are assured that the Molina work will be completed in the four month timeframe.

Ms. George replied that based on the background information about Molina, we believe that they will meet their deadline (they might move faster). They are aware of our constraints.

Mr. Barry clarified the assumption about the lower level.

Ms. George said she did not believe that the management staff had the expectation that it would have been completed at this point.

Mr. Williams reinforced the points stated. He remarked about the inspections and what is required with obtaining the U&O Permit. One cannot jump the process.

Mr. Seamens said there is an aspect of the project that has expenses not covered by the discussion tonight. That is an ongoing program of the Recreation Department, particularly youth programs. He sees a lot of kids playing in the yard of the library after school. Is there an additional need of funding for programs to carry us through the construction period? He knows at least one program where children from his ward were turned away from because of inadequate resources for an away-trip.

Ms. Haiduven said we anticipated that the space would be unavailable for programs, staff and meeting space. We reserved space at the Elementary and Middle Schools. We have had not had to cancel programs. We have had to cancel meetings. We are using the Heffner office space. The program that you are referring to about "turning kids away", had to do with a lack of transportation.

Mr. Barry remarked that if we make a decision to accept the contract, it will be an increased cost of \$80,000. If the Police Department cannot move out, it may mean an additional \$110,000 for phasing. The moving-out cost would be approximately \$60,000. This would be in addition to the Molina bid of \$568,000.



Ms. George agreed. If we do not accept the bid, we run the risk of a higher bid.

Mr. Seamens said, if we were to start on November 6, it would seem to put us in the timeframe that Knott would not have the space available. So, there would be a time lapse between phases.

Ms. George clarified that phase 2 would start when they are finished with the one side of the building.

Ms. Matthews said if Knott does not finish the work, and we have assumed that the Police Department can move at a certain point, it would be reasonable to assume that Molina might come back to the City and ask for delay claims.

Mr. Seamens commented that he would like to see a timeline with associated cost implications. (e.g., Molina to start on November 6; start of Phase 2; time to rent facilities; Knott work completion; etc.).

Ms. Porter said that the City Manager is not asking for a decision from Council this evening.

Ms. Matthews added that we are working in a tight timeframe in terms of the Molina bid. We can bring back the information being requested by Mr. Seamens for the next meeting, but we would then be in a very tight situation of making a decision--legislative action and staff move.

Mr. Hobbs said there are time considerations regarding phone lines and the physical move.

Ms. Porter asked about the staff recommendation.

Ms. Matthews said she would not recommend a "re-bid". She noted the considerations. We cannot guarantee that if we were to rebid, it would come in at a lower cost by not relocating staff.

Mr. Seamens asked what if we were to back out a couple of months, knowing then that we would not have to do a phased approach.

Ms. George said we have no way to guarantee that the Police Department will be able to occupy the lower level until March.

Ms. Porter asked for clarification. We would have to add \$190,000 to the numbers for December, January, and February for the phasing of construction. She understands Mr. Seamens' request in terms of a timeline. It would be helpful for her to see a "delay" cost timeline (and other considerations).

Ms. Mizeur asked about a pilot project to get officers in the street versus sitting in their offices – just trying to be creative.

Ms. Porter questioned how comfortable staff is with the notion that new space will be occupied by March.

Ms. Matthews explained why Knott would have a strong incentive to move the work along.

Mr. Barry said he hopes that everything will be done by that time.

Ms. George thinks that Knott has all intention of moving forward. She strongly believes that they will have work completed by March.

Ms. Matthews noted the letter from Molina with the bid extension costs. Were there other costs identified with materials escalation?

Ms. George said the only other cost would be associated with providing a transverse to the restroom facilities if the staff were located in trailers.

Ms. Porter asked if these are estimates.

Ms. Matthews replied in the affirmative. However, through the contract process, staff will lock in the prices.

Ms. Porter asked if there is something they/we could do to make it less expensive.

Ms. Matthews responded that Ms. George is talking to them, to indicate that the higher the bid price, the more likely that the City will re-bid.

Ms. George said they have not been willing to reduce the bid. Subcontractors have a role in the overall bid. He has been willing to come out and look at options for staff relocation.

Ms. Mizeur stated that even adding up the costs being discussed this evening, she is still coming up with a cost less than the other bid. She thinks that we can absorb this cost.

Ms. Porter said we talking about approximately \$750,000+ if we were to take it out to March.

Ms. Austin-Lane pointed out that we did not receive three bids. It is pretty standard practice to get three bids.

Ms. Mizeur said it is also interesting that one of those who did not bid on the project is the current construction firm. It might not be the most prominent project.

Ms. Porter asked whether there are a number of interested vendors in the process of submitting a bid.

Ms. Matthews replied in the affirmative. There are four.

Mr. Seamens questioned how the numbers might come out if we had a certain extension date of January.

Ms. Matthews said she could certainly discuss this with Molina, but would want to be cautious of the possible last minute costs associated with the staff move and delay costs.

Ms. Porter said it seems that there are two issues. One is the cost. We want to make it as low as possible. The other is the “uncertainty” issue. We do not want to be put in a position that any uncertainty sets us at a great disadvantage. We do not want to lock ourselves into a position that if things do not fall out just right, we will incur a great cost. We might assume that things will not go just right.

Ms. Mizeur said this is a permanent footnote to this project.

Mr. Seamens remarked that he wants to ensure that the City continues to offer services to the young people in particular. He invited Ms. Haiduven to bring concerns/issues to the Council.

Ms. Porter asked, where is the Council at this point. It seems that we are leaning toward pushing the committed bid out as far as possible (March), not have to relocate staff, and not have to phase construction. She is a little worried that we get to March and we are still not at that point. She wonders what kind of information would give us some certainty about the timeline.

Ms. George said she believes that after the City Manager talks with the Knott company President and after the construction management meeting the following week, we will have better dates.

Ms. Porter asked that staff come back to Council with more information on this issue.

Mr. Hobbs said we will have to come back to the Council to award a contract.

Ms. Matthews noted the November 6 deadline. We would ask for Council’s authority to continue to work with Molina and bring back an option(s) for consideration.

Mr. Barry asked, without a legal team, the extended contract with Charron and Ms. George’s great work, why we can’t have a date certain that Knott will have elements completed. Someone must know the answers to those questions. Everyone wants to know. Once we have those answers, then we will be in a better position to make a decision.

Ms. Matthews said it is a reasonable expectation for the Council and the community. One of the difficulties has been in reviewing schedules from contractors. We have contracted someone to review the schedule.

Ms. George provided further remarks. She cautioned about the confidence in estimated deadlines.

Mr. Barry said that even estimated deadlines would be a far cry better than what have had in the past few years.

Ms. Austin-Lane asked if there is an understanding where things are at this point. She is not comfortable this evening to make a Council decision about moving forward with Molina.

Ms. Porter said the City Manager has requested that we keep Options #1 and #2 on the table (accept/negotiate extension of bids). It does seem that construction costs are escalating significantly, so that the risk we run of re-bidding for higher cost is certainly there.

Ms. Austin-Lane commented on the risks of a re-bid.

Ms. Matthews said the contractor set forth their own completion dates.

Ms. Austin-Lane gave an apology. She was thinking of another project.

Ms. Porter stated that this will come back to the Council for further discussion along with the information requested. We can keep all three options on the table, although it seems that Council is leaning toward Options #1 and #2.

Ms. Mizeur said she is hearing from Mr. Hobbs that we need more direction about moving staff.

Mr. Hobbs remarked that he thinks he heard that staff will not be moved until March.

Mr. Seamens commented that we should bring Option #2 back for discussion with more information.

Ms. Porter said the critical thing will be some assurance that the time-frames are realistic and that they are enforceable. She wants some way for it to be very strongly encouraged with financial incentives that the timeline will be kept.

Mr. Barry stated that the contract with Molina should be specific, noting that all costs are included (costs will not “creep” up as we move forward).

Mr. Williams noted that all renovation contracts will change.

Ms. Porter summarized that the Council is leaning toward Option #2. She wants to keep Option #3 open as a possibility. The least likely, is Option #1. Staff will have to come back to the Council. This is not a decision for tonight.

Ms. Mizeur said she very much appreciated the City Manager’s memo attached to this item related to funding. She wonders if they are going to have a public forum related to the information contained in the document.

Ms. Porter replied that maybe, we could include it in our next discussion. We would have to conduct two public discussions before awarding a bid. These matters will come up in those discussions.

Ms. Mizeur said she would hope that the discussion could be framed in terms of potential revenue enhancements and the options to borrow.

Ms. Porter stated that unfortunately, we have to deal with the decision about the Molina bid in the near future. She agrees that we have to talk about the financial issues in a broader public discussion.

Mr. Seamens said we have to answer the question about where to get the money for the Molina bid.

Mr. Barry added if it is related to the survey and a more broad-based discussion.

Ms. Porter suggested scheduling another discussion of this matter along with funding issues.

## **ADJOURNMENT**

The Council adjourned for the evening at 11:27 p.m.